

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

ANTHONY R. TREJO, *also known* §  
*as ANTHONY ROBERT TREJO, RED* §  
*ROOSTER, TOP DAWG, and TOPP* §  
*DAWGG'E\**, §  
TDCJ-CID No. 832287, §  
§  
v. § 2:16-CV-204-D  
§  
LORIE DAVIS, Director, §  
Texas Department of Criminal Justice, §  
Correctional Institutions Division, §  
§  
Respondent. §

**ORDER**

After making an independent review of the pleadings, files, and records in this case, the June 20, 2018, findings, conclusions, and recommendation of the magistrate judge, petitioner's objections filed on July 11, 2018, and petitioner's documents filed July 19, 2018, the court concludes the magistrate judge's findings and conclusions are correct. It is therefore ordered that petitioner's objections are overruled, the recommendation of the magistrate judge is adopted, and this action is dismissed by judgment filed today.

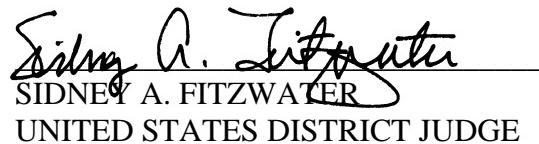
The court prospectively certifies that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this finding, the court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, plaintiff may challenge this certification by filing a separate motion to proceed *in*

*forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit.

See *Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**SO ORDERED.**

July 23, 2018.

  
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SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE